

U.S. District Court
North Carolina Middle District (NCMD)
CRIMINAL DOCKET FOR CASE #: 1:17-mj-00361-LPA All Defendants
Internal Use Only

Case title: USA v. KELLY

Date Filed: 11/08/2017

Other court case number: 2:17cr255 Southern District of Ohio

Assigned to: MAG/JUDGE L.
PATRICK AULD

Defendant (1)

JOHN E. KELLY

represented by **MILTON BAYS SHOAF**
315 N. MAIN ST.
SALISBURY, NC 28144
704-637-6745
Fax: 704-637-9045
Email: bays@mbshoaf.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Highest Offense Level
(Terminated)

None

Complaints

Rule 5 Arrest

Disposition

Plaintiff

USA

represented by **JOANNA G. MCFADDEN**
U. S. ATTORNEY'S OFFICE

101 S. EDGEWORTH ST., 4TH FLOOR
 GREENSBORO, NC 27401
 336-332-6362
 Fax: 336-333-5381
 Email: joanna.mcfadden@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: United States Attorney

Date Filed	#	Page	Docket Text
11/08/2017		3	Arrest (Rule 5) of JOHN E. KELLY (Garrett, Kim) (Entered: 11/08/2017)
11/08/2017		4	Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to JOHN E. KELLY held on 11/8/2017. Defendant advised of rights and charges. Order appointing counsel forthcoming. AUSA JoAnna McFadden appeared on behalf of the Government. Attorney Bays Shoaf appeared as counsel for the defendant. (Proceedings Recorded.) (Winchester, Robin) (Entered: 11/08/2017)
11/08/2017	<u>1</u>		SEALED FINANCIAL AFFIDAVIT by JOHN E. KELLY. (Sheets, Jamie) (Entered: 11/08/2017)
11/08/2017	<u>2</u>	5	ORDER appointing CJA Panel Attorney MILTON BAYS SHOAF for JOHN E. KELLY. Signed by MAG/JUDGE L. PATRICK AULD on 11/8/2017. (Sheets, Jamie) (Entered: 11/08/2017)
11/08/2017	<u>3</u>	6	WAIVER of Rule 5 & 5.1 Hearing by JOHN E. KELLY. (Sheets, Jamie) (Entered: 11/08/2017)
11/08/2017	<u>4</u>	7	COMMITMENT TO ANOTHER DISTRICT as to JOHN E. KELLY. Defendant committed to the SOUTHERN DISTRICT OF OHIO. Signed by MAG/JUDGE L. PATRICK AULD on 11/8/2017. (Sheets, Jamie) (Entered: 11/08/2017)

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: JOANNA G. MCFADDEN (caseview.ecf@usdoj.gov, jo.vereen@usdoj.gov, joanna.mcfadden@usdoj.gov, usancm.ecfcriminal@usdoj.gov), MAG/JUDGE L. PATRICK AULD (brett_carpenter@ncmd.uscourts.gov, john_smitten@ncmd.uscourts.gov, judge_auld@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov, sinead_o'doherty@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Pretrial Office (duty-ncmpt-greensboro@ncmp.uscourts.gov), U. S. Marshal's Office (brantley.williams@usdoj.gov, jessica.williams2@usdoj.gov)
--No Notice Sent:

Message-Id:2650375@ncmd.uscourts.gov
Subject:Activity in Case 1:17-mj-00361-LPA USA v. KELLY Arrest - Rule 5
Content-Type: text/html

To determine whether you must send a courtesy paper copy or electronic copy in Word (or compatible format) of a document that you have filed in this case, click here: Judicial Preferences Summary.

U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 11/8/2017 at 1:37 PM EST and filed on 11/8/2017

Case Name: USA v. KELLY
Case Number: 1:17-mj-00361-LPA
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 5) of JOHN E. KELLY (Garrett, Kim)

1:17-mj-00361-LPA-1 Notice has been electronically mailed to:

JOANNA G. MCFADDEN joanna.mcfadden@usdoj.gov, CaseView.ECF@usdoj.gov, jo.vereen@usdoj.gov, USANCM.ecfcriminal@usdoj.gov

1:17-mj-00361-LPA-1 Notice will not be electronically mailed to:

MIME-Version:1.0
From:ECF@ncmd.uscourts.gov
To:ecf@ncmd.uscourts.gov
Bcc:
--Case Participants: JOANNA G. MCFADDEN (caseview.ecf@usdoj.gov, jo.vereen@usdoj.gov, joanna.mcfadden@usdoj.gov, usancm.ecfcriminal@usdoj.gov), MAG/JUDGE L. PATRICK AULD (brett_carpenter@ncmd.uscourts.gov, john_smitten@ncmd.uscourts.gov, judge_auld@ncmd.uscourts.gov, kimberly_garrett@ncmd.uscourts.gov, sinead_o'doherty@ncmd.uscourts.gov, wanda_williamson@ncmd.uscourts.gov)
--Non Case Participants: Pretrial Office (duty-ncmpt-greensboro@ncmp.uscourts.gov)
--No Notice Sent:

Message-Id:2650380@ncmd.uscourts.gov
Subject:Activity in Case 1:17-mj-00361-LPA USA v. KELLY Initial Appearance - Rule 5
Content-Type: text/html

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U.S. District Court

North Carolina Middle District

Notice of Electronic Filing

The following transaction was entered on 11/8/2017 at 1:41 PM EST and filed on 11/8/2017

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Case Number: 1:17-mj-00361-LPA
Filer:
Document Number: No document attached

Docket Text:

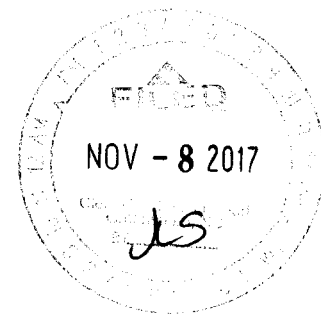
Minute Entry for proceedings held before MAG/JUDGE L. PATRICK AULD:INITIAL APPEARANCE IN RULE 5 PROCEEDINGS as to JOHN E. KELLY held on 11/8/2017. Defendant advised of rights and charges. Order appointing counsel forthcoming. AUSA JoAnna McFadden appeared on behalf of the Government. Attorney Bays Shoaf appeared as counsel for the defendant. (Proceedings Recorded.) (Winchester, Robin)

1:17-mj-00361-LPA-1 Notice has been electronically mailed to:

JOANNA G. MCFADDEN joanna.mcfadden@usdoj.gov, CaseView.ECF@usdoj.gov,
jo.vereen@usdoj.gov, USANCM.ecfcriminal@usdoj.gov

1:17-mj-00361-LPA-1 Notice will not be electronically mailed to:

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA

v.

JOHN E. KELLY

)
)
)
)
)

1:17mj361

ORDER

The defendant having demonstrated eligibility for appointment of counsel at government expense, CJA Panel Attorney Milton Bays Shoaf is directed to provide representation in this action.

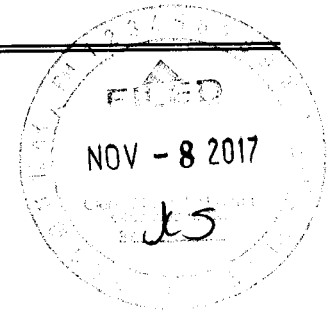
/s/ L. Patrick Auld
L. Patrick Auld
United States Magistrate Judge

Date: November 8, 2017

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina



United States of America

v.

JOHN E. KELLY

Defendant

Case No. 1:17mj361

Charging District's Case No. 2:17cr255

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) Southern District of Ohio

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise — unless I am indicted — to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☒ ~~a preliminary hearing.~~ LPA
- ☒ ~~a detention hearing.~~ LPA
- ☒ ~~an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district.~~ LPA I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: November 8, 2017

Defendant's signature

Signature of defendant's attorney

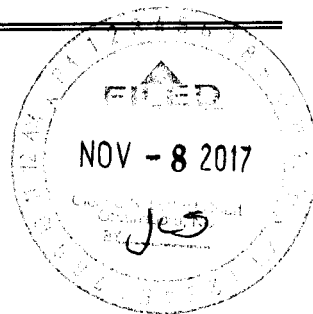
Milton Bays Shoaf

Printed name of defendant's attorney

UNITED STATES DISTRICT COURT

for the

Middle District of North Carolina



United States of America

v.

JOHN E. KELLY

Defendant

Case No. 1:17mj361

Charging District's

Case No. 2:17cr255

COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Southern District of Ohio, (if applicable) Eastern division. The defendant may need an interpreter for this language:

The defendant: will retain an attorney.

X is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

IT IS ORDERED: The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: November 8, 2017

/s/ L. Patrick Auld

Judge's signature

L. Patrick Auld, United States Magistrate Judge

Printed name and title